

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RORY MILLIGAN,

Plaintiff,

vs.

MARTIN O'MALLEY,
Commissioner of Social
Security Administration,

Defendant.

CV 24-03-M-DWM

ORDER

The parties having filed a stipulated motion to remand this matter to the agency,

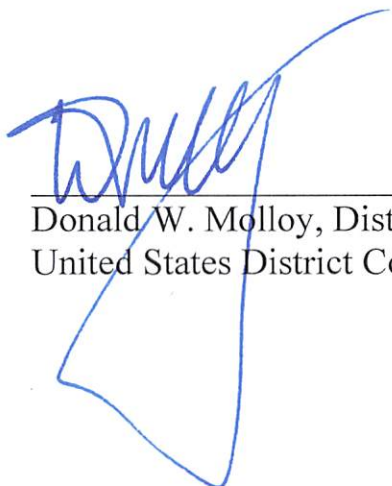
IT IS ORDERED that the motion (Doc. 9) is GRANTED. The Commissioner's final decision is REVERSED and REMANDED for further administrative proceedings before an Administrative Law Judge (ALJ). The ALJ will further develop the record, as appropriate, offer Plaintiff the opportunity for a new hearing, and issue a new decision. The ALJ will reevaluate the evidence, particularly the prior administrative medical finding from Dr. Bogumill, and reevaluate Plaintiff's statements and the step-five finding, as necessary.

Remand is made under sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to reasonable attorney

fees and expenses pursuant to 28 U.S.C. § 2412(d), upon proper request. Plaintiff will be entitled to costs as enumerated in 28 U.S.C. § 1920, under 28 U.S.C. § 2412(a).

IT IS FURTHER ORDERED that the Clerk is directed to enter Judgment in favor of Plaintiff.

DATED this 14th day of May, 2024.



Donald W. Molloy, District Judge
United States District Court